

Weare Conservation Commission

Minutes of November 24, 2008

DRAFT

Conservation Commission members present: Andy Fulton (Chair), George Malette, Steve Najjar, Pat Myers.

Planning Board members present: Paul Morin (Chair), Frank Bolton, Craig Francesco.

Land Use Coordinator: Naomi Bolton

Guests: Jed Callen (speaker), Art Siciliano, Ian McSweeney

Paul Morin called to order the joint portion of the meeting at 7:10 PM. He welcomed Jed Callen as the guest speaker and suggested starting with introductions around the table. When his turn came, Jed introduced himself as an attorney with a practice specializing in land use, zoning, and land protection types of issues. He noted his personal interest in environmental conservation matters and his work with the Piscataquog Land Conservancy.

Paul provided some background as to the reason for this joint meeting. He pointed to the ongoing efforts of both the Planning Board and the Conservation Commission to work more closely with each other. When the concept of cluster subdivisions came along Paul said it was embraced as a tool that would work for Weare. A subcommittee of the Planning Board was formed to draft a new cluster subdivision zoning ordinance. From that came the current effort to find the best way to handle the open space portion of these cluster subdivisions. This led to the use of conservation easements and to tonight's presentation by Jed whose has expertise with CEs.

Jed Callen proceeded with his presentation of the history of and description of conservation easements. He then answered questions and took his leave.

The joint meeting continued. Discussion as to how to handle a backlog of incomplete subdivisions which are held up by problems or concerns with the CEs for their open space areas. Naomi had prepared copies of the list of those subdivisions for all. Further discussion included the following issues: the current CE template, the use of legal advise, and monitoring and enforcement of town held CEs. The Beverly Townes subdivision CE was discussed in particular as one with possible problems in the description of the protected area as well as questions about the wording and intent of the CE document itself. Paul offered to contact the Townes' representative Mike Dahlberg to let him know the Conservation Commission was continuing to work on the CE. At this point the joint meeting adjourned and the Planning Board members left.

WCC November business - members Steve, George, and Pat remained to complete the month's business meeting. Andy had to leave due to the impending arrival of his third child. Steve took Andy's place as chair.

Art Siciliano – High Rock / Daniel's Lake – a brief discussion as to the current status of the restoration plan implimentation. Andy reminded that the Town Code enforcement officer must sign off before work can resume.

Minutes of the October 2008 meeting will be reviewed at the December meeting due to lack of time during November's session.

Hawkes / Wilson Project - Steve updated the Commission with the news that a lot line adjustment will be used to combine Shawn Hawkes' original piece with the smaller Brady property which Shawn has

succeeded in purchasing. The Brady piece will be covered under a later easement arrangement so as to be able to close on the purchase of the original CE before the end of the year.

Peggy Toll Trust Subdivision - This plan calls for the construction of seasonal cabins on 3 excluded lots on property covered by a CE held by the SPNHF. The cabins would have no septic systems which are restricted by the terms of the CE. Commission members agreed that the Forest Society will need to be contacted and that the question about whether or not cabins without septic systems are OK will fall to the Planning Board.

Maria Beasley- Lake Horace shoreland - DES letter received that the application is administratively complete. A 2nd letter from DES requests more information from the property owners. The state wants to be sure the work does not extend toward the lake so far that it occurs on state land that surrounds the lake. Owners are to submit elevations from the site.

Craig Francesco-Wildwood Road dredge & fill - application to install a culvert for a driveway on the property. Craig has already gotten the ZBA waiver of the wetlands buffer ordinance. Commission members pointed out that this property abuts the prime wetlands Horace Lake Marsh which may mean a public hearing may be required. Pat was assigned to notify the Wetlands bureau of the location of the prime wetland. The application was filed with the Town Clerk on Nov 20, 2008. The map/lot # are 107 / 24.

Ian McSweeney/PAC.NH Realty Trust – Dredge and Fill – Map 411 / lot 328. This Minimum Impact Expedited Permit application is for the construction of a pond next to a larger wetlands area on Ian's property. It will be done in a way beneficial to wildlife. George made the motion for Steve to sign the 5 copies of the application. Steve 2nd. All voted in favor. Steve signed the applications.

Other

- Ian informed the Commission that there will be no LCHIP money available for this round.
- Ian reported that the Melvin Farm project on Bart Clough Road is moving forward.
- Mountain Road/Ferrin Pond issues – The Lescartes who own the seasonal cabin on the Class 6 portion of Mountain Rd have submitted a request to the Board of Selectmen for permission to access their cabin by ATV. They want to be able to use an ATV from any of the roads leading to the cabin. The BOS has requested a recommendation from the Conservation Commission. Steve made a motion that no access be granted for ATVs within Mountain Road / Ferrin Pond area. George 2nd the motion. All voted in favor. Steve agreed to inform the BOS of the Commission's vote.

There being no further business George made the motion to adjourn and Pat 2nd. All voted in favor. Meeting adjourned at 10:33 PM.

These minutes respectfully submitted,

Pat Myers – WCC Secretary

Cc Town Clerk, BOS, WCC files